



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,169	01/25/2002	Dar-Shyang Lee	74451.P096C	5102

7590 09/17/2004

Michael J. Mallie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,169

Applicant(s)

LEE ET AL. *SO*

Examiner

Mary Cheung

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. This action is in response to the preliminary amendment filed on January 25, 2002.

Claims 52-85 are pending. Claims 1-51 are canceled. Claims 52-85 are added.

Claim Objections

2. Claims 69-85 are objected to because of the following informalities:

- a) In line 4 of claim 69, the phrase "the query document" should be "a query document" in order to avoid a 112 2nd paragraph rejection;
- b) Claim 69 should end with a period "." instead of the semicolon ";";
- c) In line 4 of claim 70, the phrase "the query document" should be "a query document" in order to avoid a 112 2nd paragraph rejection;
- d) In line 1 of claim 71, the phrase "method of claim 70" should be replaced with "article of manufacture of claim 70";
- e) In line 4 of claim 72, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- f) In line 4 of claim 73, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- g) In line 1 of claim 74, the phrase "method of claim 73" should be replaced with "article of manufacture of claim 73";
- h) In line 4 of claim 75, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;

Art Unit: 3621

- i) In line 4 of claim 76, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- j) In line 1 of claim 77, the phrase "method of claim 76" should be replaced with "article of manufacture of claim 76";
- k) In line 4 of claim 78, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- l) In lines 1-3 of claim 79, the entire preamble should be replaced with "An article of manufacture of claim 78 wherein defining an ascender zone and a descender zone for each of the text lines comprising:";
- m) In line 1 of claim 80, the phrase "method of claim 79" should be replaced with "article of manufacture of claim 79";
- n) In line 5 of claim 81, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- o) In line 5 of claim 82, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- p) In line 5 of claim 83, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection;
- q) In line 1 of claim 84, the phrase "method of claim 83" should be replaced with "article of manufacture of claim 83";
- r) In line 5 of claim 85, the phrase "the document" should be "a document" in order to avoid a 112 2nd paragraph rejection.

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 52-85 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,363,381.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they both disclose determining if a query document matches one or more document in a database and generating a set of descriptors or information for identifying a document.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bloomberg et al. (U. S. Patent 5,689,585) discloses aligning a text image to a transcription of the image.

Huttenlocher et al. (U. S. Patent 6,249,604) discloses determining boundaries of words in text.

Art Unit: 3621

Kingetsu et al. (U. S. Patent 6,268,935) discloses image processor.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")
(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621

September 15, 2004

